

AMENDED IN SENATE MAY 8, 2012
AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1233

Introduced by Senator Padilla

February 23, 2012

An act to amend Sections 9001, ~~9002~~, 9004, and 9006 of, and to add Sections 9006.5 and 9023 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1233, as amended, Padilla. Initiative and referendum petitions: translation of circulating title and summary.

Existing law requires the Attorney General, upon receipt of the text of a proposed initiative or referendum measure, to prepare a circulating title and summary of the chief purpose and points of the proposed measure. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed initiative measure to the proponents of the measure and the Secretary of State within 15 days, as specified. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed referendum measure to the proponents of the measure and the Secretary of State within 10 days after receipt of the proposed referendum.

This bill would require the proponents of an initiative or referendum measure, at the time of submitting the text of the proposed measure to the Attorney General, to submit a list of specified counties in which the initiative or referendum petition will be circulated. *If the proponents submit this list of counties, this bill would require the Attorney General to provide a copy of the circulating title and summary and the list of the counties identified by the proponents to the Secretary of State.* Upon ~~submission~~ receipt of ~~the list~~ these items, this bill would require the

~~Attorney General Secretary of State~~ to prepare a translation of the circulating title and summary of ~~a~~ the proposed initiative or referendum measure in a language other than English under certain circumstances ~~each applicable minority language of the counties identified by the proponents~~. If the ~~Attorney General Secretary of State~~ is required to prepare a translation, this bill would require the ~~Attorney General Secretary of State~~ to provide a copy of the circulating title and summary and its translation to the proponents and the ~~Secretary of State county elections officials, as specified, within 25 days, as specified, for a proposed initiative measure and within 20 days after receipt of a proposed referendum measure~~. This bill also would require a copy of each applicable translation to be attached to the initiative or referendum petition prior to circulation. ~~10 days~~.

Existing law permits any person who is a voter or who is qualified to register to vote in the state to circulate an initiative or referendum petition for signature and imposes certain requirements on these circulators.

This bill would require the circulator of an initiative or referendum petition to make available a copy of the translated circulating title and summary to each person whom the circulator solicits in that language to sign the petition and to provide a copy of the translated circulating title and summary to any person upon request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9001 of the Elections Code is amended
2 to read:
3 9001. (a) (1) Prior to the circulation of an initiative or
4 referendum petition for signatures, the text of the proposed measure
5 shall be submitted to the Attorney General with a written request
6 that a circulating title and summary of the chief purpose and points
7 of the proposed measure be prepared. The electors presenting the
8 request shall be known as the “proponents.” The Attorney General
9 shall preserve the written request until after the next general
10 election.
11 (2) The proponents of an initiative or referendum measure, at
12 the time of submitting the text of the proposed measure to the
13 Attorney General, shall submit to the Attorney General a list of

1 the counties in which the petition will be circulated that are covered
2 by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42
3 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

4 (b) Each proponent of a proposed initiative measure shall, at
5 the time of submitting the text of the proposed measure, provide
6 both of the following:

7 (1) An original signed certification stating that “I, (insert name),
8 declare under penalty of perjury that I am a citizen of the United
9 States, 18 years of age or older, and a resident of (insert county),
10 California.”

11 (2) Public contact information.

12 (c) The proponents of an initiative measure, at the time of
13 submitting the text of the proposed measure to the Attorney
14 General, shall pay a fee of two hundred dollars (\$200), which shall
15 be placed in a trust fund in the office of the Treasurer and refunded
16 to the proponents if the measure qualifies for the ballot within two
17 years from the date the summary is furnished to the proponents.
18 If the measure does not qualify within that period, the fee shall be
19 immediately paid into the General Fund of the state.

20 (d) All referenda and proposed initiative measures shall be
21 submitted to the Attorney General’s Initiative Coordinator located
22 in the Sacramento Attorney General’s Office via United States
23 Postal Service, alternative mail service, or personal delivery. Only
24 printed documents will be accepted; facsimile or ~~email~~ *e-mail*
25 delivery will not be accepted.

26 (e) The Attorney General shall not deem a request for a
27 circulating title and summary submitted until all of the
28 requirements of this section are met.

29 ~~SEC. 2. Section 9002 of the Elections Code is amended to read:~~

30 ~~9002. (a) Except as provided in subdivision (c) of Section~~
31 ~~9004, the Attorney General shall provide a copy of the title and~~
32 ~~summary to the Secretary of State within 15 days after receipt of~~
33 ~~the final version of a proposed initiative measure, or, if a fiscal~~
34 ~~estimate or opinion is to be included, within 15 days after receipt~~
35 ~~of the fiscal estimate or opinion prepared by the Department of~~
36 ~~Finance and the Joint Legislative Budget Committee pursuant to~~
37 ~~Section 9005. If during the 15-day period the proponents of the~~
38 ~~proposed initiative measure submit amendments, other than~~
39 ~~technical, nonsubstantive amendments, to the final version of the~~
40 ~~measure, the Attorney General shall provide a copy of the title and~~

1 summary to the Secretary of State within 15 days after receipt of
2 the amendments.

3 ~~(b) The amendment shall be submitted with a signed request by~~
4 ~~all the proponents to prepare a circulating title and summary using~~
5 ~~the amended language.~~

6 ~~(c) The amendment shall be submitted to the Attorney General's~~
7 ~~Initiative Coordinator located in the Sacramento Attorney General's~~
8 ~~Office via United States Postal Service, alternative mail service,~~
9 ~~or personal delivery. Only printed documents will be accepted;~~
10 ~~facsimile or e-mail delivery will not be accepted.~~

11 ~~SEC. 3.~~

12 *SEC. 2.* Section 9004 of the Elections Code is amended to read:

13 9004. (a) Upon receipt of the text of a proposed initiative
14 measure, the Attorney General shall prepare a circulating title and
15 summary of the chief purposes and points of the proposed measure.
16 The circulating title and summary shall not exceed a total of 100
17 words. The Attorney General shall also provide a unique numeric
18 identifier for each proposed initiative measure. The circulating
19 title and summary shall be prepared in the manner provided for
20 the preparation of ballot titles and summaries in Article 5
21 (commencing with Section 9050), the provisions of which, in
22 regard to the preparation, filing, and settlement of ballot titles and
23 summaries, are hereby made applicable to the circulating title and
24 summary.

25 ~~(b) Except as provided in subdivision (c), the~~ (1) *The* Attorney
26 General shall provide a copy of the circulating title and summary
27 and its unique numeric identifier ~~to the proponents and to the~~
28 Secretary of State within 15 days after receipt of the fiscal estimate
29 or opinion prepared by the Department of Finance and the Joint
30 Legislative Budget Committee pursuant to Section 9005. ~~The~~

31 (2) *Except in the event that the Secretary of State is required to*
32 *provide a copy of the circulating title and summary to the*
33 *proponents pursuant to Section 9006.5, the Attorney General shall*
34 *provide a copy of the circulating title and summary and its unique*
35 *numeric identifier to the proponents within 15 days after receipt*
36 *of the fiscal estimate or opinion prepared by the Department of*
37 *Finance and the Joint Legislative Budget Committee pursuant to*
38 *Section 9005. The date the copy is delivered or mailed to the*
39 *proponents is the "official summary date."*

1 ~~(e) In the event that the Attorney General is required to prepare~~
 2 ~~a translation of the circulating title and summary pursuant to~~
 3 ~~Section 9006.5, the Attorney General shall provide a copy of the~~
 4 ~~circulating title and summary, its translation, and its unique~~
 5 ~~numeric identifier to the proponents and the Secretary of State~~
 6 ~~within 25 days after receipt of the fiscal estimate or opinion~~
 7 ~~prepared by the Department of Finance and the Joint Legislative~~
 8 ~~Budget Committee pursuant to Section 9005. The Attorney General~~
 9 ~~shall also provide the Secretary of State with a list of the counties~~
 10 ~~identified by the proponents pursuant to paragraph (2) of~~
 11 ~~subdivision (a) of Section 9001.~~

12 ~~(d)~~

13 ~~(c) Upon~~ *Except as provided in Section 9006.5, upon* receipt of
 14 the circulating title and summary from the Attorney General, the
 15 Secretary of State shall, within one business day, notify the
 16 proponents and county elections official of each county of the
 17 official summary date and provide a copy of the circulating title
 18 and summary to each county elections official. ~~In the event that~~
 19 ~~the Secretary of State receives from the Attorney General a~~
 20 ~~translation of the circulating title and summary pursuant to~~
 21 ~~subdivision (e), the Secretary of State shall provide the relevant~~
 22 ~~translation to the county elections official in each county identified~~
 23 ~~by the proponents pursuant to paragraph (2) of subdivision (a) of~~
 24 ~~Section 9001. This notification shall also include a complete~~
 25 ~~schedule showing the maximum filing deadline, and the~~
 26 ~~certification deadline by the counties to the Secretary of State.~~

27 ~~SEC. 4.~~

28 *SEC. 3.* Section 9006 of the Elections Code is amended to read:

29 9006. (a) Upon receipt of the text of a proposed referendum,
 30 the Attorney General shall prepare a circulating title and summary
 31 of the chief purpose and points of the proposed statute at issue.
 32 The circulating title and summary shall not exceed a total of 100
 33 words. No fiscal analysis shall be included.

34 (b) ~~Except as provided in subdivision (e), the~~ *(1) The* Attorney
 35 General shall provide a copy of the circulating title and summary
 36 of the proposed referendum ~~to the proponents and~~ to the Secretary
 37 of State within 10 days after receipt of the proposed referendum.

38 ~~(e) In the event that the Attorney General is required to prepare~~
 39 ~~a translation of the circulating title and summary pursuant to~~
 40 ~~Section 9006.5, the Attorney General shall provide a copy of the~~

1 circulating title and summary, its translation, and its unique
 2 numeric identifier to the proponents and the Secretary of State
 3 within 20 days after receipt of the proposed referendum.

4 (d)

5 (2) *Except in the event that the Secretary of State is required to*
 6 *provide a copy of the circulating title and summary to the*
 7 *proponents pursuant to Section 9006.5, the Attorney General shall*
 8 *provide a copy of the circulating title and summary to the*
 9 *proponents within 10 days after receipt of the proposed*
 10 *referendum.*

11 (c) ~~Upon~~ *Except as provided in Section 9006.5, upon receipt of*
 12 *the circulating title and summary from the Attorney General, the*
 13 *Secretary of State shall, within one business day, notify the*
 14 *proponents and county elections official of each county of the*
 15 *official summary date and provide a copy of the circulating title*
 16 *and summary to each county elections official. In the event that*
 17 *the Secretary of State receives from the Attorney General a*
 18 *translation of the circulating title and summary pursuant to*
 19 *subdivision (c), the Secretary of State shall provide the relevant*
 20 *translation to the county elections official in each county identified*
 21 *by the proponents pursuant to paragraph (2) of subdivision (a) of*
 22 *Section 9001. This notification shall also include a complete*
 23 *schedule showing the maximum filing deadline, and the*
 24 *certification deadline by the counties to the Secretary of State.*

25 SEC. 5.

26 SEC. 4. Section 9006.5 is added to the Elections Code, to read:

27 9006.5. (a) *In the event that the proponents of an initiative*
 28 *or referendum measure submit to the Attorney General a list of*
 29 *counties pursuant to paragraph (2) of subdivision (a) of Section*
 30 *9001, the Attorney General shall ~~prepare a translation of~~ provide*
 31 *to the Secretary of State, along with the circulating title and*
 32 *summary of the proposed measure, the list of the counties identified*
 33 *by the proponents. ~~in~~*

34 (b) *Upon receipt of the circulating title and summary of the*
 35 *initiative or referendum measure and the list of the counties*
 36 *identified by the proponents, the Secretary of State shall prepare*
 37 *a translation of the circulating title and summary in each applicable*
 38 *minority language for the counties identified by the proponents*
 39 *that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or*
 40 *Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting*

1 Rights Act of 1965. ~~A copy of each applicable translation shall be~~
2 ~~attached to the initiative or referendum petition prior to circulation~~
3 ~~of the petition.~~

4 (c) *Within 10 days after receipt of the circulating title and*
5 *summary and the list of the counties identified by the proponents,*
6 *the Secretary of State shall do all of the following:*

7 (1) *Notify the proponents and the county elections official of*
8 *each county of the official summary date. This notification shall*
9 *also include a complete schedule showing the maximum filing*
10 *deadline, and the certification deadline by the counties to the*
11 *Secretary of State.*

12 (2) *Provide a copy of the circulating title and summary and its*
13 *translation to the proponents.*

14 (3) *Provide a copy of the circulating title and summary to each*
15 *county elections official.*

16 (4) *Provide a copy of the relevant translation of the circulating*
17 *title and summary to the county elections official in each county*
18 *identified by the proponents pursuant to paragraph (2) of*
19 *subdivision (a) of Section 9001.*

20 (d) *The date the copy of the circulating title and summary of*
21 *the initiative or referendum measure is delivered or mailed to the*
22 *proponents is the “official summary date.”*

23 ~~SEC. 6.~~

24 SEC. 5. Section 9023 is added to the Elections Code, to read:

25 9023. In the event that the circulator of an initiative or
26 referendum petition circulates the petition in a county covered by
27 Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42
28 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,
29 the circulator shall make available a copy of the applicable
30 translated circulating title and summary prepared by the ~~Attorney~~
31 ~~General~~ *Secretary of State* to each person whom the circulator
32 solicits in that language to sign the petition and shall provide a
33 copy of the translated circulating title and summary to any person
34 upon request.